

CITY COUNCIL AGENDA

SEPTEMBER 19, 2000

SYNOPSIS

LINDA J. LE ZOTTE
CHARLOTTE POWERS
CINDY CHAVEZ
VACANT
MANNY DIAZ

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

FRANK FISCALINI
GEORGE SHIRAKAWA, JR.
ALICE WOODY
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

1 CALL TO ORDER AND ROLL CALL

9:35 a.m. - Closed Session, Room 600, City Hall

Absent - Council Members: Diaz (excused)

District 4 - Vacant

1:33 p.m. - Regular Session, Council Chambers, City Hall

Absent - Council Members: None.

District 4 - Vacant

7:07 p.m. - Public Hearings, Council Chambers, City Hall

Absent - Council Members: Diaz, LeZotte (both excused)

District 4 - Vacant

2 INVOCATION

**Pastor Linda Boston, Grace Lutheran Church, delivered the Invocation.
(District 8)**

3 PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

4 ORDERS OF THE DAY

5 CEREMONIAL ITEMS

- a. Presentation of Keep California Beautiful (KCB) Awards by KCB President Barry Edwards and Executive Director Marlene Mariani to members of the San José Beautiful Steering Committee. (Parks, Recreation and Neighborhood Services)
(Deferred from 8/29/00 – Item 5a and 9/5/00 – Item 5c)
Mayor Gonzales invited to the podium Darrell Young, Director of the California Department of Conservation, who presented the City an award on behalf of California's First Lady Sharon Davis for San José's selection of City of the Year by KCB, whose Executive Director Marlene Mariani joined

5 CEREMONIAL ITEMS

a. (Cont'd.)

the Mayor in presenting awards to the San José Beautiful Steering Committee in recognition of the Committee's selection as one of the best "Keep California Beautiful" programs in the State for the year 2000. Accepting on behalf of the San José Beautiful Steering Committee was Bonita Gibson.

b. Presentation of a commendation to Robert Pfahnl for 15 years of service to San José Beautiful. (Parks, Recreation and Neighborhood Services)
(Deferred from 8/29/00 – Item 5b and 9/5/00 – Item 5d)

Mayor Gonzales presented a commendation to Robert E. Pfahnl for his fifteen years of volunteer service on the Steering Committee and for spearheading the creation of the "Friends of San José Beautiful".

c. Presentation of a commendation to Jennifer Pitzen and Andrea Norman for their work with National Tennis Championships and co-directing the USTA Girls' 18 Super National Hard Court Championships. (Dando)

HEARD IN THE EVENING

Vice Mayor Fiscalini was joined by Council Member Dando for presentation of a commendation to Jennifer Pitzen and Andrea Normal for their work in co-directing the USTA Girls' 18 Super National Hard Court Championships.

d. Presentation of plaque to Diane Jantzen for 4 years 1 month service on the Child Care Commission. (Mayor)

Mayor Gonzales presented a plaque to Diane Jantzen for her service of over four years on the Child Care Commission.

e. Presentation of a commendation to the Assistance League of San José, an Almaden-based organization that focuses on helping children in the community. (Dando)
(Rules Committee referral 9/13/00)

HEARD IN THE EVENING

Vice Mayor Fiscalini was joined by Council Member Dando for presentation of a commendation to the Assistance League of San José for their work on behalf of children in the community; accepting the commendation was Assistance League President Judi Dissly.

f. Presentation of a commendation recognizing the Sabercats for a great season. (Mayor)
(Rules Committee referral 9/13/00)

Mayor Gonzales presented a commendation to San José Sabercats, who were the Western Division Champions in the Arena Football League, in recognition of their great season. Accepting the commendation were the Sabercats' Managing General Partner Ramune Ambrozaitis and Vice President of Marketing Hank Stern.

NOTICE TO THE PUBLIC

THERE WILL BE NO SEPARATE DISCUSSION OF ITEMS 6a-f AS THEY ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ADOPTED BY ONE MOTION. IF DISCUSSION IS REQUESTED BY A MEMBER OF THE CITY COUNCIL, STAFF, OR PUBLIC, THAT ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED SEPARATELY.

a. Minutes for Approval

None.

b. Ordinances for Final Adoption

- (1) ORD. NO. 26192 – Amends Section 2.04.4020 of Chapter 2.04 of Title 2 of the San José Municipal Code to authorize the Chief of Police to issue subpoenas for investigations by the San José Police Department Professional Standards and Conduct Unit of citizen and departmental complaints against Police Officers.
Ordinance No. 26192 adopted.
- (2) ORD. NO. 26193 – Amends Section 3.50.130 of Chapter 3.50 of Title 3 of the San José Municipal Code to clarify that members of the PTC 457 Deferred Compensation Plan may elect to have distributions made in installments.
Ordinance No. 26193 adopted.
- (3) ORD. NO. 26194 – Rezones certain real property situated at the west side of King Road at the westerly terminus of Commodore Drive. PDCSH 00-03-022
Ordinance No. 26194 adopted.
Staff was directed to review the traffic concerns raised by speakers and report back to Council on the neighborhood's request for installation of a traffic signal at King Road and Commodore Drive and for an access road exiting to the west of the proposed project; and review of the feasibility of accelerating the capital improvements scheduled for the area in fiscal year 2002-2003.
- (4) ORD. NO. 26196 – Adopts the Neighborhood Business Clusters Redevelopment Plan and makes certain findings.
SEE ITEM 11a(2) FOR COUNCIL ACTION TAKEN

6 CONSENT CALENDAR

b. Ordinances for Final Adoption

- (5) ORD. NO. 26197 – Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Century Center Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, and the Neighborhood Business Clusters Redevelopment Plan to effect the merger of said Redevelopment Project Areas and making certain findings.

SEE ITEM 11a(3) FOR COUNCIL ACTION TAKEN

- (6) ORD. NO. 26198 – Amends Chapter 20.44 of title 20 of the San José Municipal Code by amending Sections 20.44.1230 and 20.44.1240 to allow the Director of Planning, Building, and Code Enforcement to review and approve administratively certain single family house permits for houses listed on the historic inventory or located in a conservation area and to make minor clarifications to the single family house permit process.

Ordinance No. 26198 adopted.

- (7) ORD. NO. 26199 - Rezones certain real property situated at the northerly terminus of Silence Drive. PDC 99-05-045

Ordinance No. 26199 adopted.

- (8) ORD. NO. 26200- Prezones certain real property situated at the northeast and southeast corners of Murillo Avenue and Ruby Avenue. PDC 00-03-016

Ordinance No. 26200 adopted.

- (9) ORD. NO. 26201 - Rezones certain real property situated at the south side of West San Carlos Street, approximately 250 feet easterly of Josefa Street. C 00-05-033

Ordinance No. 26201 adopted.

c. Public Hearings Set by Council

None.

6 CONSENT CALENDAR

d. Plans and Specifications

- (1) TRACT NO. 9233 - East side of Nieman Boulevard, 300 feet southerly of Blanding Avenue - Blacksmith Homes LLC, A California Limited Liability Company By: St. Thomas Construction, Inc., A California Corporation, Its Managing Member (Developer) - 15 single family detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, contract, and water main extension for Tract No. 9233. CEQA: ND. District 8. (Public Works)

Resolution Nos. 69899-69902 adopted.

e. Contracts/Agreements

- (1) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #11, and authorization for the Director of General Services to execute the purchase orders. (General Services)
Approved.
- (2)
 - (a) Approval of the first amendment to the agreement for consultant services with DMG - Maximus, to conduct a study of the Planning, Building and Code Enforcement Department's development fee program, extend the agreement term through February 23, 2001, and increase compensation by \$114,000, from \$44,000 to \$158,000.
 - (b) Adoption of appropriation amendments in the General fund in the amount of \$64,000 to Planning, Building and Code Enforcement for a Development Fee Study.
(Planning, Building and Code Enforcement/City Manager's Office)
Deferred to 9/26/00.
- (3) Approval of a consultant agreement with APC International, Inc., for construction management services for the Street Lights Citywide 2000 Phase C Project and the Forest-Rosa Sanitary Sewer Supplement Phase II Project for a total amount not to exceed \$70,100. CEQA: Exempt. (Public Works)
Approved.
- (4) Approval of Contract Change Order No. 4 for the Fire Station No. 27 Project with Eddie Torrez Construction Company, Inc. in the amount of \$46,066.09, for a total contract amount of \$1,085,345.09. CEQA: ND. (Public Works)
Approved.

6 CONSENT CALENDAR

f. Routine Legislation

- (1) Adoption of appropriation ordinance and funding sources resolution amendments in the General fund to increase the Police Department's non-personal expenses and equipment appropriations by \$415,349, as reimbursement under SB720 from the County of Santa Clara, for additional Printrak Livescan acquisition, storage expansion, and maintenance. (Police/City Manager's Office)
Ordinance No. 26203 adopted.
Resolution No. 69903 adopted.
- (2) Adoption of appropriation ordinance and funding sources resolution amendments in the Local Law Enforcement Block Grant (LLEBG) Fund to reconcile actual 1999-2000 expenditures and allow the expenditure of interest from the 1998-2000 grant. (Police/City Manager's Office)
Ordinance No. 26204 adopted.
Resolution No. 69904 adopted.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

a. Report of the Study Session

Mayor Gonzales, Chair

No report.

b. Report of the Rules Committee – September 6, 2000

Vice Mayor Fiscalini, Chair

- (1) Review September 19, 2000 Draft Agenda
The Committee approved the September 19, 2000 City Council agenda with one addition.
- (2) Add New Items to September 12, 2000 Amended Agenda
The Committee recommended six additions to the September 12, 2000 City Council agenda.
- (3) Meeting Schedules
There were none.
- (4) The Public Record
The Committee noted and filed the Public Record.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

b. Report of the Rules Committee – September 6, 2000 (Cont'd.)

Vice Mayor Fiscalini, Chair

- (5) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (a) Status report on request to add a retiree to the Federated Retirement Board
The Committee deferred this item to the September 13, 2000 Rules Committee meeting.
- (6) Oral communications
None were presented.
- (7) Adjournment
The meeting was adjourned at 2:03 p.m.

Rules Committee report and actions of September 6, 2000 accepted.

c. Report of the Finance and Technology Committee

Council Member Woody, Chair

No report.

d. Report of the Economic and Community Development Committee

Council Member Diaz, Chair

No report.

e. Report of the Transportation and Environment Committee

Council Member Powers, Chair

No report.

f. Report of the Education, Neighborhoods, Youth, and Seniors Committee

Council Member Shirakawa, Jr., Chair

No report.

8 LAND USE AND DEVELOPMENT

9 GENERAL GOVERNMENT

- a. Receipt of the Taxi Cab Task Force report and recommendations and referral to City staff for further review and recommendations. (Mayor)
(Deferred from 9/5/00 – Item 9e)

HEARD IN THE EVENING

Council referred to City Staff the recommendations of the Taxi Cab Task Force for report and recommendation to Council in 90 days. Staff was directed to include in the report (1) a plan to ensure adequate taxicab service at the train station, airport, and other City sites where a need exists; (2) consideration of the recommendation by Council Member Shirakawa, Jr., that the issue continue to be reviewed by Council Committee rather than by forming a cab commission, and (3) review and report on various wage issues.

- b. Approval of a cooperation agreement with the Peninsula Corridor Joint Powers Board related to development of the Caltrain Maintenance Facility Project. (Public Works)
(Deferred from 9/5/00 – Item 9f)

HEARD IN THE EVENING

Approved.

- c. Adoption of a resolution amending Salary Resolution No. 51870 to simplify and adjust the Senior Executive Performance Program (SEPP) salary structure and ranges, effective July 1, 2000.
(City Manager's Office)

Resolution No. 69905 adopted.

- d. (1) Approval of the proposed process and criteria for the 2001-02 Community Development Block Grant (CDBG) application cycle.

Approved.

- (2) Approval of an amendment to the Consolidated Plan Citizen Participation Plan incorporating a multi-year planning process for the CDBG Program.

(Parks, Recreation and Neighborhood Services)

Approved.

- e. (1) (a) Discussion of the schematic design of the New San José Civic Center Project as shown on Attachments A-G titled "New Civic Center Schematic Design," dated September 5, 2000, and direction to staff for continuation into the Design Development and Construction Document phases of the architectural services for the Project.

Council approved the proposed direction to Staff for continuation of the Design Development and Construction Document phases of the architectural services for the project, as amended by Mayor Gonzales' memorandum dated September 13, 2000. Noes: LeZotte, Woody.

(ITEM CONTINUED ON NEXT PAGE)

9 GENERAL GOVERNMENT

- e. (1) (b) Approval of the final project budget estimate for the New Civic Center Project in the amount of \$255 million for the facility cost and \$33 million in costs for site acquisition and relocation costs by the Redevelopment Agency, for a total project budget of \$288 million.

Council referred this item to Staff as recommended by Mayor Gonzales' memorandum dated September 13, 2000, and directed RDA Staff to provide Council with a relocation plan which is applicable to both housing and businesses.

Noes: LeZotte, Woody.

- (c) Direction to staff to pursue the financing, construction, and operation of the 1350 parking spaces to serve the new Civic Center, which would be financed through the Parking Authority and leased by the City on land to be acquired by the Redevelopment Agency.

CEQA: Resolution No. 68905. (Public Works)

Council approved the proposed direction to Staff to pursue financing, construction, and operation of the 1350 parking spaces for the new Civic Center, as amended by the memorandum by Mayor Gonzales and Council Member Chavez dated September 13, 2000. Noes: LeZotte, Woody.

- (2) Approval of the first amendment to the agreement with Turner Construction Company for construction management services for the New San José Civic Center Project to add the design development and construction document phases in the amount of \$1,613,000, for a total agreement in the amount of \$2,013,000, and to extend the term of the agreement from December 31, 2000 to December 31, 2002.

CEQA: Resolution No. 68905. (Public Works)

Council approved the first amendment to the agreement with Turner Construction Company, and approved the request from the City Manager for authorization to incorporate changes to the agreement which may be necessitated by implementation of the recommendations in Mayor Gonzales' memorandum dated September 13, 2000.

- (3) Adoption of appropriation ordinance and funding sources resolution amendments in the Civic Center Construction Fund. (City Manager's Office)

Ordinance No. 26205 adopted.

Resolution No. 69906 adopted.

(ITEM CONTINUED ON NEXT PAGE)

9 GENERAL GOVERNMENT

- e. (4) Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement with Richard Meier & Partners, Architects, for architectural services for the New Civic Center Project to add the design development and construction document phase services in an amount not to exceed \$14,900,000, for a total agreement amount not to exceed \$20,000,000, and to extend the term of the agreement from December 31, 2000 to December 31, 2002. CEQA: Resolution No. 68905. (Public Works)

(Deferred from 8/29/00 – Item 9i)

HEARD LAST

Resolution No. 69907 adopted.

- f. (1) Approval of the Independent Police Auditor's response to the Grand Jury Report regarding the Investigation on the Oversight Systems for Reviewing Use-of-Force Cases in the San Jose Police Department. (Office of the Independent Police Auditor)

Approved.

- (2) Approval of the City Manager's response to the Grand Jury Report regarding the Investigation on the Oversight Systems for Reviewing Use-of-Force Cases in the San Jose Police Department. (City Manager's Office)

(Continued from 9/12/00 – Item 9b)

Approved.

- g. Approval of the City Attorney's response to the Grand Jury Report regarding the Inquiry into Economic Evaluation of the Cost of Relocating San José City Hall to the Downtown Area. (City Attorney's Office)

(Continued from 9/12/00 – Item 9c)

Approved.

- h. Approval of the City Manager's response to the Grand Jury Report regarding the Inquiry into Alleged Violations of the City of San José Code of Ethics. (City Manager's Office)

(Continued from 9/12/00 – Item 9d)

Approved.

- i. Report of League of California Cities Annual Conference and Board Meeting. (Woody)
(Rules Committee referral 9/13/00)

Deferred to 9/26/00.

10 FISCAL AFFAIRS

11 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 11a IN A JOINT SESSION

- a. (1) Adoption by the City Council of a response to written objections from property owners and taxing entities to the adoption of the Neighborhood Business Clusters Redevelopment Plan and the merger of the Neighborhood Business Clusters Redevelopment Plan into the San Jose Merged Area Redevelopment Plan.
- (2) Final adoption of ORDINANCE NO. 26196 – Adopts the Neighborhood Business Clusters Redevelopment Plan and makes certain findings.
- (3) Final adoption of ORDINANCE NO. 26197 – Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Century Center Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, and the Neighborhood Business Clusters Redevelopment Plan to effect the merger of said Redevelopment Project Areas and making certain findings.

Deferred to 10/3/00.

ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

12 PERMITS AND LICENSES

13 PUBLIC SAFETY AND WELFARE

14 ORAL COMMUNICATIONS

HEARD JOINTLY WITH REDEVELOPMENT AGENCY PUBLIC DISCUSSION **None.**

Council recessed at 5:17 p.m. and reconvened at 7:07 p.m.

SAN JOSÉ CITY COUNCIL
SEPTEMBER 19, 2000
7:00 P.M.

15 PUBLIC HEARINGS

- a. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of Boynton Avenue, approximately 250 feet northerly of Akron Way (499 Boynton Avenue), from R-1:B-2 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to five single-family attached residences on a 0.37 gross acre site (Abe Golpour, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).
PDC 00-04-027 - District 1
(Continued from 9/5/00 – Item 15g)
Ordinance No. 26206 passed for publication.
- b. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Payne Avenue between Essex Way and Lexington Drive, from R-4 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 16 single-family attached residences on a 0.98 gross acre site. (Pfeiffer Ranch Investors, Inc. and Madeline Mestice, Owners; Pinn Brothers Fine Homes, Developer). CEQA: Negative Declaration.
PDC 00-05-038 - District 1
(Continued from 9/5/00 – Item 15h)
Continued to 10/17/00.
- c. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of Boynton Avenue, approximately 100 feet northerly of Akron Way (525 Boynton Avenue), from R-1:B-2 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to five single-family attached residences on a 0.32 gross acre site (Shabnam Mahzoon, et al., Owner/Developer). CEQA: Negative Declaration.
PDC 00-05-037 - District 1
Continued to 10/17/00.
- d. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Lenzen Avenue, 210 feet westerly of Stockton Avenue, from M-1 Manufacturing Zoning District to A(PD) Planned Development Zoning District, to allow up to 88 multi-family attached residential units on 1.63 gross acres (Joe Zertuche, Owner; Core Development Inc., Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (6-0-1).
PDC 00-05-042 - District 6
Ordinance No. 26207 passed for publication.

15 PUBLIC HEARINGS

- e. PUBLIC HEARING ON SINGLE-FAMILY HOUSE PERMIT for the property located at the south side of Glenwood Avenue, approximately 130 feet west of Newport Avenue (1224 Glenwood), to allow 641 square feet of new habitable floor area in the attic of an existing two and one-half story single-family residence on a 0.15 acre site in the R-1 Residence District. (David and Sue Markham, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (6-0-1).
SF 00-07-065 – District 6

Resolution No. 69908 adopted.

16 CLOSED SESSION REPORT

17 ORAL COMMUNICATIONS

18 ADJOURNMENT

The Council of City of San José adjourned the meeting at 7:55 P.M.

The following resolution was adopted at the Joint City Council/Redevelopment Agency meeting on Tuesday, September 19, 2000:

- 8a Adoption of resolutions by the City Council and Agency Board approving procedures for the formation and election of the Project Area Committee for the proposed Strong Neighborhoods Initiative Redevelopment Project.**

Resolution No. 69898 adopted.